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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,238	05/08/2001	Eric N. Bush	MS160301.1(4938)	4012

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SENNIGER POWERS LEAVITT AND ROEDEL
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ST LOUIS, MO 63102

EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 03/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/851,238

Applicant(s)

BUSH, ERIC N.

Examiner

Sathyanarayan Pannala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 7-22 is/are rejected.
- 7) ☐ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The application filed on 5/8/2001 is with 22 claims. In this Office Action, claims 1-22 are pending.

priority under 35 U.S.C. 119(a)

2. Applicant is claiming the priority date under 35 U.S.C. 119(a) as this application is a continuation-in-part of US Patent application S. No. 09/513812 filed on 2/25/2000, which is based on the provisional application 60/142,209 filed on 7/2/1999. So, the examiner honors the priority as per statutory law.

Drawings

3. The drawings filed on 5/8/2001 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Specification

4. The use of the trademarks MicrosoftTM, has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Ex: **Microsoft** used on page 5, line 11.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

It is also necessary to specify the version when describing software in the specification.

Appropriate correction is required. Please check the full document.

Claim Rejections - 35 USC § 112

5. Claim 15 is objected for claiming both a computer storage media and a method in a single claim. A single claim, which recites both an apparatus and the method steps of using the apparatus, is indefinite under 35 U.S.C. 112, second paragraph. This type of claim is indefinite because it fails to positively recite the boundaries sought for protection. The metes and bounds of the claim cannot be determined because it is unclear as to which category of subject matter is sought for protection, i.e., the method or the apparatus.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to As person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made."

7. Claims 1-2, 5, 7-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight (US Patent 6,126,330) and in view of Watson et al. (US Patent 6,631,409).

8. As per independent claim 1, Knight discloses a computer system for dynamic monitoring the objects of the application whenever user interacts with them (col. 3, lines 31-42). Knight teaches the claimed "dynamically identifying the objects of the specified class" by displaying dynamic object identifiers in the set-up program resulting from the user interaction with objects in the program. (col. 3, lines 31-42). Knight further teaches the claimed step of "maintaining a list of the identified objects and the attribute values of the identified objects over time" as sets of object identifiers listed in the object display and notification events listed in event display for which the user/developer requires feedback from the subsequent use of the application by the customer/end-user (Fig. 2, col. 6, lines 39-43). Knight further teaches the claimed step of "identifying changes in the maintained attribute values of each identified object over time" by disclosing that

while the application being used by the developer, all object identifiers corresponding to lwindow objects within application are being changed, affected by or interacted with developer/user are displayed (Fig.2, col. 6, lines 22-27). Finally, Knight teaches the claimed "performing one or more functions in response to comparing and identifying changes" (as in the current disclosure, functions include generating a notification, see on page 12, lines 8-12) Notification events corresponding to the particular objects identified in the object display area of the setup tool (Fig. 2, col. 6, lines 29-38). Knight does not particularly teach the step of comparing attribute value with a threshold value. However, Watson explicitly teaches the claimed step of "comparing at least one of the attribute values of each identified object with a threshold value associated with at least one of the attributes in the class" the database contains a list of class entries consisting of status variables (i.e., objects), a minimum threshold value with a display rule. As per his example, if the server object exceeds 75% percent of CPU utilization, the corresponding object on MOM clients will appear red and flashing up until the user selects the object for the detailed window (Fig. 7, col. 6, line 63 to col. 7, line 1). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate comparison of objects values with threshold value. Watson's teaching of comparison with threshold value would allow users of Knight's system to retrieve objects that fall within a particular range/class.

9. As per dependent claim 2, Knight teaches the claimed "the class represents at least one process, thread, or mass storage device" objects identifiers corresponding to lwindows objects are with in the application (i.e., process) (Fig. 2, col. 6, lines 22-27).

10. As per dependent claim 5, Watson teaches the claimed “generating a notification if an attribute value of a specific object exceeds the threshold value” the database contains a list of class entries consisting of status variables (i.e., objects), a minimum threshold value with a display rule. As per his example, if the server object exceeds 75% percent of CPU utilization, the corresponding object on MOM clients will appear red and flashing up (i.e., notification) until the user selects the object for the detailed window (Fig. 7, col. 6, line 63 to col. 7, line 1).

11. As per dependent claim 7, Watson teaches the claimed “averaging attribute values over the intervals as an indication of performance” many rules can be defined such as attributes (Fig. 7, col. 7, lines 2-4). Watson also teaches how to display warning and/or error messages to the GUI (col. 7, lines 5-7).

12. As per dependent claim 8, Watson teaches the claimed “displaying the attribute values to a user” many rules can be defined such as attributes like flashing, animation, etc (Fig. 7, col. 7, lines 2-4). Watson also teaches how to display user with warning and/or error messages to the GUI (col. 7, lines 5-7).

13. As per dependent claim 9, Watson teaches the claimed “a user specifies the threshold value for each of the attributes in the class” the threshold values are stored on the database and from Watson example it clearly indicates that the values provided by a user (Fig. 7, col. 6, line 63 to col. 7, line 1).

14. As per dependent claim 10, Knight teaches the claimed “adding at least one of the identified objects to the list, deleting at least one of the identified objects from the list, and/or preserving the list” as the application is used by the developer, all object

identifiers corresponding to Iwindow objects within application being changed, affected by or interacted with developer/user are displayed (Fig.2, col. 6, lines 22-27).

15. As per dependent claim 11, Knight teaches the claimed “dynamically identifying the objects includes limiting the amount of objects identified” displaying dynamic object identifiers in the set-up program resulting from the user interaction with objects in the program. (col. 3, lines 31-42). User/developer during the setup phase creates a monitor input file (Fig. 1, col. 5, lines 49-53).

16. As per dependent claim 12, Knight teaches the claimed “dynamically identifying the objects occurs in response to a user request” displaying dynamic object identifiers in the set-up program resulting from the user interaction with objects in the program. (col. 3, lines 31-42). User/developer during the setup phase creates a monitor input file (Fig. 1, col. 5, lines 49-53).

17. As per dependent claim 13, Watson teaches the claimed “the objects are stored in a database, wherein identifying occurs in response to an update to the database” storage unit (600) contains several databases for a monitor server, object class database (602), and object instances database (604) (Fig. 6, col. 5, lines 19-26).

18. As per dependent claim 14, wherein the threshold value is associated with a plurality of the attributes of the class” at Fig. 1, col. 2, lines 33-44.

19. As per dependent claim 15, “One or more computer readable media having computer-executable instructions for performing the method recited in claim 1” this claim is rejected with the same reason as the claim 1 and additionally Knight teaches the claimed step of “computer readable media” disclosed as computer program product

comprising computer usable medium having computer readable program code (col. 3, line 59 to col. 4, line 1).

20. As per independent claim 16, Knight discloses a computer system for dynamic monitoring the objects of the application whenever user interacts with them (col. 3, lines 31-42). Knight teaches the claimed "an object identification component for dynamically identifying the objects of the specified class" displaying dynamic object identifiers in the set-up program resulting from the user interaction with objects in the program. (col. 3, lines 31-42). Knight further teaches the claimed "a history component for identifying changes in the attribute values of each identified object over time" as the application is used by the developer, all object identifiers corresponding to lwindow objects within application being changed, affected by or interacted with developer/user are displayed (Fig.2, col. 6, lines 22-27). Finally, Knight teaches the claimed "As performance component responsive to the comparison component and the history component for performing one or more functions" (as in the current disclosure, functions include generating a notification, see on page 12, lines 8-12). Notification events corresponding to the particular objects identified in the object display area of the setup tool (Fig. 2, col. 6, lines 29-38). Knight does not particularly teach the step of comparing attribute value with a threshold value. However, Watson explicitly teaches the claimed step of "a comparison component for comparing at least one of the attribute values of each identified object with a threshold value associated with at least one of the attributes in the class" the database contains a list of class entries consisting of status variables (i.e., objects), a minimum threshold value with a display rule. As per his example, if the

server object exceeds 75% percent of CPU utilization, the corresponding object on MOM clients will appear red and flashing up until the user selects the object for the detailed window (Fig. 7, col. 6, line 63 to col. 7, line 1). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate comparison of objects values with threshold value. Watson's teaching of comparison with threshold value would allow users of Knight's system to retrieve objects that fall within a particular range/class.

21. As per dependent claim 17, Knight teaches the claimed "the history component comprises an object maintenance component for maintaining a list of the identified objects and the attribute values of the identified objects" sets of object identifiers listed in the object display and notification events listed in event display for which the user/developer requires feedback from the subsequent use of the application by the customer/end-user (Fig. 2, col. 6, lines 39-43).

22. As per dependent claim 18, Knight teaches the claimed "the object identification component includes computer-executable instructions for identifying all the objects of the specified class" objects identifiers corresponding to lwindows objects are with in the application (i.e., process) (Fig. 2, col. 6, lines 22-27).

23. As per dependent claim 19, Knight teaches the claimed "the identification component includes computer-executable instructions for limiting the amount of objects identified" displaying dynamic object identifiers in the set-up program resulting from the user interaction with objects in the program. (col. 3, lines 31-42). User/developer during the setup phase creates a monitor input file (Fig. 1, col. 5, lines 49-53).

24. As per independent claim 20, Knight discloses a computer system for dynamic monitoring the objects of the application whenever user interacts with them (col. 3, lines 31-42). Knight teaches the claimed "means for dynamically identifying the objects of the class" displaying dynamic object identifiers in the set-up program resulting from the user interaction with objects in the program. (col. 3, lines 31-42). User/developer during the setup phase creates a monitor input file (Fig. 1, col. 5, lines 49-53). Knight further teaches the claimed "means for maintaining a list of the identified objects and the attribute values of the identified objects over time" sets of object identifiers listed in the object display and notification events listed in event display for which the user/developer requires feedback from the subsequent use of the application by the customer/end-user (Fig. 2, col. 6, lines 39-43). Knight further teaches the claimed "means for identifying changes in the maintained attribute values of each identified object over time" as the application is used by the developer, all object identifiers corresponding to lwindow objects within application being changed, affected by or interacted with developer/user are displayed (Fig.2, col. 6, lines 22-27). Finally, Knight teaches the claimed "means for performing one or more functions in response to said means for comparing and said means for identifying changes" (as in the current disclosure, functions include generating a notification, see on page 12, lines 8-12) Notification events corresponding to the particular objects identified in the object display area of the setup tool (Fig. 2, col. 6, lines 29-38). Knight does not particularly teach the step of comparing attribute value with a threshold value. However, Watson explicitly teaches the claimed step of "means for comparing at least one of the attribute values of each identified object with a

threshold value associated with at least one of the attributes in the class” the database contains a list of class entries consisting of status variables (i.e., objects), a minimum threshold value with a display rule. As per his example, if the server object exceeds 75% percent of CPU utilization, the corresponding object on MOM clients will appear red and flashing up until the user selects the object for the detailed window (Fig. 7, col. 6, line 63 to col. 7, line 1). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate comparison of objects values with threshold value. Watson’s teaching of comparison with threshold value would allow users of Knight’s system to retrieve objects that fall within a particular range/class.

25. As per dependent claim 21, Knight teaches the claimed “the means for maintaining include an array in an application” sets of object identifiers listed in object display area (15) are in the form of an array (Fig. 2, col. 6, lines 39-43).

26. As per dependent claim 22, Knight teaches the claimed “means for specifying the class, wherein said means for specifying include a graphical user interface or a textual user interface” an application program that has been created by the use of functions and capabilities of the VisualAge product (GUI) and a setup tool (Fig. 2, col. 5, line 64 to col. 6, line 4).

27. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight (US Patent 6,126,330), in view of Watson et al. (US Patent 6,631,409) as applied to the rejection of claim 1 and in view of Lumelsky et al. (US Patent 6,466,980).

28. As per dependent claim 3, Knight and Watson do not explicitly teach available space, capacity of mass storage media. However, Lumelsky teaches the claimed “the

class represents a mass storage device and the attributes include a free space attribute, a capacity attribute, and a description attribute" the global server provides a spare, shared and available capacity (col. 6, lines 33-39). Lumelsky also teaches resource monitoring enables the controller to determine aggregate oriented attributes such as utilization/willingness state of server as well as its capacity (col. 17, lines 45-53). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate comparison of objects values with threshold value. Knight, Watson and Lumelsky teach monitoring objects of an application and they are combined to relate monitoring attributes of storage capacity. In order to do better resource management is needed for distributed resources, on demand, shape system capacity (col. 6, lines 5-9).

Allowable Subject Matter

Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art of record fails to teach claims 4 and 6.

Conclusion

29. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

30. If a reference indicated, as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

srp
Sathyanarayan Pannala
Examiner
Art Unit 2177

srp
March 17, 2004


GRETA ROBINSON
PRIMARY EXAMINER